

REMARKS

Claims 1-11 are pending in the present application. Invention I, including Claims 1-8, is elected, with traverse, in the instant application. Applicant reserves the right to file a divisional application for the non-elected subject matter in this application. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments.

The requirement for election being the only issue raised in the Office Action, this paper is fully responsive to the same.

In the present Office Action, the Examiner alleges that Inventions I and II are directed to related products and the inventions are distinct. Particularly, Invention I is drawn to a server-client network system for a genotyping analysis and Invention II is drawn to a computer readable medium comprising computer executable instructions. The products are alleged to be distinct because the system of Invention I comprises server databases and client who receives results of a biochip on target samples and perform genotyping analysis whereas the computer readable medium of Invention II comprises instructions thereon which instruct a client to receive a databases and perform genotyping analysis on target results from a chip test.

It is stated that the important distinction between the invention of the two inventions, besides differences in structures, etc., is that the client in Invention I "receives" results of biochip test from places other than the client, which action is not in Invention II, where the results could be the client's own results. Therefore, the system in Invention I and the computer readable medium in Invention II do not overlap in scope, are not obvious variants and have different modes of action, functions and effect. (MPEP §806.05(j).)

Applicant herein amends Claim 9 to more clearly set forth the invention and particularly claim "receiving results of a biochip test on a target sample; and performing a genotyping analysis on the target sample using the results of the biochip test on the target sample with reference to the databases" relative to the computer readable medium. Support for amended Claim 9 is at least found in originally filed Figure 7 and in the Specification at page 6, line 29 through page 7, line 8.

Therefore, the system in Invention I and the computer readable medium in Invention II overlap in scope, are obvious variants and have related modes of action, functions and effect. Reconsideration and withdrawal of the Restriction/Election Requirement are respectfully requested.

Application No. 10/765,547
Response to Restriction Requirement dated: August 2, 2006
In Reply to Restriction Requirement dated: July 11, 2006

No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. The application is now allowable to Applicants. Prompt issuance of Notice of Allowance is Respectfully Requested.

In the event the Examiner has any queries regarding the instantly submitted response, applicants' attorney respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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